

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE 6th DAY OF JANUARY 1987

Present : Hon'ble Shri Ch.RAMAKRISHNA RAO MEMBER(J)

Hon'ble Shri L.H.A.REGO MEMBER(A)

APPLICATION NO.974/86(T)

K.V.Subramanyam,
Extra Delivery Sub Postmaster,
Kencharlahalli Village,
Chintamani Taluk,
Kolar District.

... APPLICANT

(Shri Subbarao ... Advocate)

v.

The Postmaster General,
Karnataka Circle,
Bangalore - 1.

The Senior Supdt. of Post Offices,
Kolar Division,
Kolar.

Venkatarathnaiah,
R/a Kencharlahalli Village,
Chintamani Taluk,
Kolar District.

... RESPONDENTS

(Shri M.S.Padmarajaiah ... Advocate)

This application has come up before the court today. Hon'ble Shri Ch.Ramakrishna Rao, Member(J) made the following :

ORDER

This application was initially filed in the High Court of Karnataka and subsequently transferred to this Tribunal. It was posted for hearing on 12.12.86 when Sri B.Subba Rao, Advocate and Sri M.S.Padmarajaiah, Senior C.G.S.C., were present for the applicant and the respondents respectively. The case was adjourned to 6.1.87 when none appeared for the applicant nor was the applicant present in person. Sri M.S.Padmarajaiah appeared for the respondents. After waiting for some time, we decided to hear the application ex-parte.

(Signature)

2. The facts giving rise to this application are as follows: The applicant was working as Extra Departmental Sub Post Master (EDSPM) at Kencharlahalli Extra Delivery Sub Post Office. On the date the application was filed he had put in 2½ years service. On 12.5.81 applications were invited by the Senior Superintendent of Post Offices, Kolar(R2) from eligible candidates for the permanent post of EDSPM at Kencharlahalli. The applicant also applied for the post of EDSPM. He came to know that one Venkatarathnaiah (R3) was on the run for the post. The applicant, therefore, addressed the Postmaster-General, Karnataka Circle, Bangalore (R1) bringing to his notice that the former was already working in the post for over 2½ years; that R3 is not a desirable person to be appointed as permanent EDSPM because KSRTC, with whom he was working as a conductor, removed him from service on the ground of misappropriation. His representation fell on deaf ears and ultimately R3 was appointed to the permanent post of EDSPM. Aggrieved, the applicant has filed this application.

3. Sri M.S.Padmarajaiah, learned counsel for the respondents, submits that the applicant was appointed on regular basis as Extra Departmental Delivery Agent (EDDA) at Kancharlahalli EDSPD and later officiated as EDSPM from 2.5.1981; that he was not appointed as EDSPM on regular basis; that the applicant was one of the persons, who had applied for the post of permanent EDSPM in response to the notice issued by R2; that he withdrew his application vide his letter 6.11.1981 since he could not secure accommodation for housing the Post Office; that he requested for being allowed to continue to hold the post of EDDA; that the post of EDDA having been upgraded as EDSPM, R3 was selected for appointment; that KSRTC, to whom the matter was referred regarding the antecedents of R3, confirmed that he was a badli conductor,

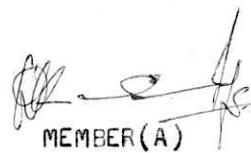
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who was removed on account of unsuitability and as per the regulations of KSRTC, such removal from service does not debar him from being appointed to other posts; that the applicant was only working as EDSPM in an officiating capacity and as such had no right to hold the post after the appointment of R3 on a regular basis.

4. We have considered carefully the contents of the application, the enclosures thereto and the submissions made by Shri M.S.Padmarajaiah. In our view the applicant having withdrawn his application since he could not fulfil the conditions prescribed for the permanent post of EDSPM, he has no locus standi to question the appointment of R3 by R2 as EDSPM. The objection raised by the applicant for the appointment of R3 was negatived by R2, after referring the matter to KSRTC. In the circumstances, we find no basis for the grievance of the applicant. R2 was, therefore, justified in issuing the letters dated 22/23.10.82 and 4.11.82.

5. In the result the application is dismissed. No order as to costs.

Mr. Ramakrishna
MEMBER (J) 6.1.87


6.1.87
MEMBER (A)

AN.